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Fifty-third session
Agenda item 26

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION
OF THE COMMISSION

DRAFT REPORT OF THE COMMISSION

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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Chapter

XXIV. INDIGENOUS ISSUES

* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

XXIV. INDIGENOUS ISSUES

1. The Commission considered agenda item 24 at its 31st to 34th meetings, from 1 to 2 April, and at its 57th and 58th meetings, on 11 April 1997. 1/

2. For the documents issued under agenda item 24, see annex .. to the present report. For a list of resolutions and decisions adopted by the Commission, see annex .. to the present report.

3. At the 31st meeting, on 1 April 1997, the Chairperson-Rapporteur of the working group established in accordance with Commission on Human Rights resolution 1995/32 of 3 March 1995, Mr. José Urrutia, introduced the report of the working group (E/CN.4/1997/102).

4. In the general debate on agenda item 24, statements 2/ were made by the following members of the Commission: Argentina (33rd), Bangladesh (32nd), Brazil (33rd), Canada (33rd), Chile (32nd), China (32nd), Denmark (on behalf of the Nordic Countries) (31st), Malaysia (32nd), Mexico (33rd), Nicaragua (33rd), Russian Federation (32nd), Ukraine (31st),

5. The Commission heard statements by the observers for: Australia (32nd), Estonia (32nd), New Zealand (32nd), Peru (32nd), Spain (32nd). The observer for Switzerland also made a statement (32nd).

6. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (32nd), Anti-Slavery International (34th), Asian Cultural Forum on Development (32nd), Centro de Estudios Europeos (34th), Commission of the Churches on International Affairs of the World Council of Churches (32nd), International Federation of Rural Adult Catholic Movements (32nd), Indian Law Resource Center (32nd), Indigenous World Association (32nd), International Association of Educators for World Peace (33rd), International Educational Development, Inc. (33rd), International Indian Treaty Council (34th), International League for Human Rights (32nd), International League for the Rights and Liberation of Peoples (32nd), International Organization for the Development of Freedom of Education (32nd), International Organization of Indigenous Resource Development (32nd), International Work Group for Indigenous Affairs (32nd), Inuit Circumpolar Conference (32nd), Liberation (33rd), Pax Christi International (33rd), Permanent Assembly for Human Rights (32nd), Saami Council (33rd), Society for Threatened Peoples (33rd), United Towns Agency for North-South Cooperation (34th), War Resisters' International (34th).

7. Statements in exercise of the right of reply or its equivalent were made by the representative of the Philippines and the observer for Thailand (34th).

8. At the 57th and 58th meetings, on 11 April 1997, the Commission took up consideration of the draft resolutions and decisions submitted under agenda item 24.

A permanent forum for indigenous people in the United Nations system

9. At the 57th meeting, on 11 April 1997, the representative of Denmark introduced draft resolution E/CN.4/1997/L.63, sponsored by Argentina, Belgium, Benin, Bolivia, Canada, Chile, Colombia, Cyprus, Denmark, Dominican Republic, El Salvador, Estonia, Finland, Greece, Guatemala, Honduras, Iceland, Latvia, Mexico, Nepal, the Netherlands, New Zealand, Nicaragua, Norway, Peru, Portugal, the Russian Federation, Spain, Sweden, Switzerland, Ukraine, Uruguay and Venezuela. Costa Rica, Ecuador and Equatorial Guinea subsequently joined the sponsors.

10. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

11. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/30.

12. In view of the adoption of resolution 1997/30, the Commission took no action on draft decision 9 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I, sect. B).

Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

13. The representative of Canada introduced draft resolution E/CN.4/1997/L.70, sponsored by Australia, Bolivia, Brazil, Canada, Chile, Cyprus, Denmark, Finland, Greece, Guatemala, Mexico, New Zealand, Nicaragua, Norway, Peru, Sweden and Switzerland. Argentina, Ecuador, Estonia and the United States of America subsequently joined the sponsors.

14. A statement in connection with the draft resolution was made by the representative of the United States of America.

15. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

16. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/31.

Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People

17. The observer for New Zealand introduced draft resolution E/CN.4/1997/L.77, sponsored by Australia, Bolivia, Canada, Chile, Colombia, Denmark, Estonia, Finland, Greece, Guatemala, Honduras, Mexico, New Zealand, Nicaragua, Norway, Peru, Spain, Sweden and Switzerland. Argentina, Brazil, the Philippines and the Russian Federation subsequently joined the sponsors.

18. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

19. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/32.

20. In view of the adoption of resolution 1997/32, the Commission took no action on draft decisions 7 and 8 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I, sect. B).

Protection of the heritage of indigenous people

21. The Commission considered draft decision 10, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I, sect. B).

22. The Chairman amended the draft decision by deleting the following sentence: "The Commission requests the Secretary-General to convene, at the earliest possible opportunity, a technical meeting of representatives of the World Intellectual Property Organization, the United Nations Educational, Scientific and Cultural Organization, the United Nations Environment Programme, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and the World Trade Organization with the

Special Rapporteur to consider how they can contribute to her work in this field, and to transmit the report of this meeting to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights."

23. The draft decision, as amended, was adopted without a vote. For the text of the decision, as adopted, see chapter II, section B, decision 1997/.. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

24. The Commission considered draft decision 12, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I, sect. B).

25. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/.. Study on indigenous land rights

26. At the 58th meeting, on 11 April 1997, the observer for Cyprus introduced draft decision E/CN.4/1997/L.98, sponsored by Bolivia, Cameroon, Cyprus, Ethiopia, Georgia, Greece, Pakistan and the Russian Federation, Canada, Chile, Guatemala and Peru subsequently joined the sponsors.

27. A statement in connection with the draft resolution was made by the observer for New Zealand.

28. The draft decision was adopted without a vote. Statements in explanation of vote after the vote were made by the representatives of Japan and the Netherlands.

29. For the text of the decision as adopted, see chapter II, section B, decision 1997/..

30. In view of the adoption of decision 1997/.., the Commission took no action on draft decision 11, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I, sect. B).



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XXIII. THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

XXIII. THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

1. The Commission considered agenda item 23 at its 62nd meeting, on 14 April 1997. 1/
2. For the documents issued under agenda item 23, see annex ... to the present report.
3. In the general debate on agenda item 23, the Commission heard statements by the following non-governmental organizations: Friends World Committee for Consultation (Quakers) (jointly with Amnesty International), Indian Council of Education, Transnational Radical Party.
4. At its sixty-seventh session, on 16 April 1997, the Commission decided to defer consideration of this agenda item to its fifty-fourth session (see also chap. III, paras. ...). For the text of the decision, see Chapter II, section B, decision 1997/...



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III. ORGANIZATION OF THE WORK OF THE SESSION

* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

III. ORGANIZATION OF THE WORK OF THE SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its fifty-third session at the United Nations Office at Geneva from 10 March to 18 April 1997. It held ... meetings (E/CN.4/1997/SR.1-...) 1/ during the session.
2. The session was opened by Mr. Gilberto V. Saboia, Chairman of the Commission at its fifty-second session, who made a statement.

B. Attendance

3. The session was attended by representatives of States members of the Commission, by observers for other States Members of the United Nations, by observers for non-member States and by representatives of the specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex ... to the present report.

C. Election of officers

4. At its 1st meeting, on 10 March 1997, the Commission elected the following officers by acclamation:

<u>Chairman:</u>	Mr. Miroslav Somol (Czech Republic)
<u>Vice-Chairpersons:</u>	Mr. Mounir Zahran (Egypt)
	Ms. Lilia Bautista (Philippines)
	Mr. Christian Strohal (Austria)
<u>Rapporteur:</u>	Ms. Margarita Escobar López (El Salvador)

D. Agenda

5. Also at its 1st meeting, the Commission had before it the provisional agenda of the fifty-third session (E/CN.4/1997/1 and Corr.1, E/CN.4/1997/1/Add.1 and Corr.1), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the provisional agenda considered by the Commission at its fifty-second session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).
6. The agenda was adopted without a vote. For the text, see annex ...

E. Organization of work

7. At its 2nd meeting, on 11 March 1997, the Commission considered the organization of its work.

8. For the documents issued under agenda item 3, see annex ... to the present report. For a list of resolutions and decisions adopted by the Commission and statements by the Chairman, by agenda item, see annex ... to the present report.

9. Bearing in mind the respective priority of the items and the availability of the relevant documentation, the Commission accepted the recommendation of its officers that the following agenda items should be considered concurrently: items 4 and 7; items 5 and 6; items 11, 17 and 19; items 14 and 15; and items 9 and 18. The Commission further agreed to consider the agenda items in the following order: 3; 4 and 7; 13; 14 and 15; 5 and 6; 11, 17 and 19; 16; 8; 24; 9 and 18; 10 (b); 10; 21; 23; 22; 20; 12; 25; 26.

10. Also at its 2nd meeting, the Commission accepted the recommendation of its officers regarding limitation of the frequency and duration of statements. Members of the Commission were limited to one statement of 10 minutes or two statements of 5 minutes per item or group of items. Observers and non-governmental organizations were limited to one statement of 5 minutes per item or group of items. Observer States and national liberation movements mentioned in reports submitted to the Commission were limited to one statement of 5 minutes under the item concerned. It was also agreed that, with regard to rights of reply, a limitation to two replies, 3 minutes for the first and 2 minutes for the second, at the end of the day, would be observed.

11. It was also recommended that guest speakers should limit their statements to 10-15 minutes. Special rapporteurs, special representatives, independent experts and chairpersons of working groups should limit their initial statements to 10 minutes and their concluding remarks, if necessary, to 5 minutes.

12. At the same meeting, on the recommendation of its officers, the Commission decided to invite a number of experts, special rapporteurs, special representatives and chairmen-rapporteurs of working groups to participate in the meetings at which their reports were to be considered.

13. For the text of the decision as adopted, see chapter II, section B, decision 1997/101.

14. In the general debate on agenda item 3, statements 2/ were made by the following members of the Commission: Algeria (2nd), Angola (2nd, 17th),

Bangladesh (2nd), Bhutan (3rd), Canada (3rd), China (2nd, 43rd), Colombia (3rd), Cuba (2nd), Egypt (2nd), El Salvador (3rd), Germany (4th), India (2nd, 4th, 64th), Indonesia (2nd), Japan (39th), Malaysia (on behalf of the Asian Group) (2nd), Netherlands (3rd), Pakistan (2nd), Philippines (2nd), Sri Lanka (2nd, 47th, 59th), Zimbabwe (3rd).

15. The Commission heard a statement by the observer for Nigeria (2nd).

16. The Commission also heard a statement by the following non-governmental organization: Latin American Federation of Associations of Relatives of Disappeared Detainees (3rd).

17. At the 5th meeting, on 12 March 1997, the Chairman, on behalf of the Commission, made the following statement concerning the hostage-taking in the residence of the Ambassador of Japan in Lima, Peru:

"The Commission on Human Rights,

1. Vigorously condemns the occupation of the residence of the Ambassador of Japan in Lima, Peru, and the hostage-taking there by terrorist elements, as well as hostage-taking all over the world;

2. Recalls that it has repeatedly and firmly condemned hostage-taking as acts aimed at the destruction of human rights;

3. Expresses its solidarity with the Governments of Peru and Japan, as well as with the Governments of all countries concerned, and with the hostages and their families;

4. Strongly supports the efforts of the Governments of Peru and Japan to resolve the situation in a peaceful manner and encourages the continuation of the conversations between the interlocutor of the Government of Peru and the Tupac Amaru Revolutionary Movement, in order to arrive at prompt results;

5. Strongly demands that the hostages taken in the residence of the Ambassador of Japan in Lima and all other hostages held in any other country be released immediately."

18. At the 66th meeting, on 16 April 1997, the Chairman, on behalf of the Commission, made the following statement concerning the situation of human rights in Colombia:

"The Commission on Human Rights warmly welcomes the opening of the permanent office of the High Commissioner for Human Rights in Santa Fe de Bogotá. It welcomes the commitment of the High Commissioner and of

the Government of Colombia to the establishment of this office, as can be seen in the intensive negotiations leading to the successful conclusion and signing, on 29 November 1996, of the agreement between the aforementioned parties on the establishment of the said office. The Commission would have expected the office to open more promptly, and expresses the hope that it will initiate its operational activities immediately. In accordance with the statement by the Chairman of this Commission on 23 April 1996, the office is to assist the Colombian authorities in developing policies and programmes for the promotion and protection of human rights and to observe violations of human rights in the country, making reports thereon to the High Commissioner.

The Commission also acknowledges the efforts carried out by the Government of Colombia in the field of human rights and its willingness to cooperate with the Commission's special rapporteurs and working groups.

Notwithstanding the above, the Commission on Human Rights remains deeply concerned that the situation of endemic violence and the situation of internal armed conflict affecting many parts of the country have had serious consequences for human rights.

The Commission on Human Rights is also deeply concerned at the persistence of thousands of violations of the right to life, and the increasing involvement therein of so-called "paramilitary groups". This conflict entails serious and continuous abuses and violations of human rights and humanitarian law by both State agents and guerrilla groups.

The Commission urges the Government of Colombia to continue to strengthen its support, through all institutions of the State, for all those who promote the defence of human rights.

The Commission urges the guerrilla groups in Colombia to respect the norms of international humanitarian law and, especially, to abandon the use of kidnapping, hostage-taking, anti-personnel landmines, indiscriminate killings and all attacks on the civilian population. The Commission calls for the liberation, on humanitarian grounds, of the 70 Colombian soldiers held by a guerrilla group since August 1996.

The Commission on Human Rights acknowledges that the Government of Colombia has taken steps for the application of humanitarian standards

in the conflict, and welcomes its continued cooperation with the International Committee of the Red Cross and the facilitation of its humanitarian activities in the country.

The Commission on Human Rights remains deeply preoccupied at the numerous cases of disappearance, as reflected in the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34). The application at the national level of the Declaration on the Protection of all Persons from Enforced Disappearance faces several obstacles, generating impunity.

The Commission on Human Rights calls for the urgent adoption of more effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance, in accordance with article 3 of the Declaration.

The Commission on Human Rights remains concerned at the alarming level of impunity, in particular concerning abuses by State agents that continue to fall under the jurisdiction of military courts; it encourages the Government of Colombia to continue and conclude the process of reform of the military penal code, in accordance with the recommendations made by the thematic rapporteur, inter alia as far as the exclusion from the jurisdiction of military courts of human rights violations, and in particular of crimes against humanity, is concerned. It welcomes the important advances made in a number of cases of gross violations of human rights by the Human Rights Unit of the Office of the General Prosecutor which is investigating and indicting State agents, guerrillas and members of 'paramilitary groups' responsible for violations of human rights or humanitarian law.

The Commission on Human Rights is deeply concerned also at the persistence of the practice of torture. The information before the Committee against Torture indicates that the law in Colombia is not yet in accordance with several obligations under the Convention against Torture. It calls on the Government of Colombia to combat the occurrence of torture and ill-treatment, as well as the impunity which permits them to continue, as stated by the Special Rapporteur on torture in his report (E/CN.4/1997/7).

The Commission on Human Rights urges the Government of Colombia to continue strengthening ordinary justice versus special systems of justice, the misuse of which can lead to serious violations of human rights and denial of a fair trial.

While encouraging the work of the Special Commission set up by the Government of Colombia for the analysis, follow-up and implementation of the recommendations of international human rights bodies, the Commission on Human Rights considers that the implementation of these recommendations, in particular those of the thematic rapporteurs and working groups, is still not sufficient.

The Commission expects that the activities of the new human rights office in Bogotá will contribute to improving the human rights situation in Colombia and to promoting a climate of trust between the Government and all sectors involved in the conflict, encouraging a process of constructive dialogue involving non-governmental organizations and other sectors of civil society, and to preventing violations of human rights and international humanitarian law.

The Commission on Human Rights requests the High Commissioner to present a comprehensive analytical report to the Commission at its fifty-fourth session on the setting up of the office and its activities, and on developments in the human rights situation in Colombia."

Organization of the work of the session (postponed)*

19. At the ... meeting, on ... 1997, the Commission took up consideration of draft decision E/CN.4/1997/L.2, sponsored by Algeria, Angola, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, the Islamic Republic of Iran, Malaysia, Nigeria, Pakistan, the Philippines, Sri Lanka and Viet Nam.

Conscientious objection to military service

20. At the 67th meeting, on 16 April 1997, the representative of the Netherlands introduced draft decision E/CN.4/1997/L.15, sponsored by the Netherlands.

21. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/..

* This section of chapter III will be finalized after the adoption of the draft decision.

Tolerance and pluralism as indivisible elements in the promotion and protection of Human Rights

22. At the 67th meeting, on 16 April 1997, the representative of India introduced draft decision E/CN.4/1997/L.33, sponsored by Australia, Austria, Bhutan, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Cyprus, Denmark, El Salvador, Germany, India, Ireland, Italy, Netherlands, Poland, the Russian Federation, South Africa, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Madagascar and Sweden subsequently joined the sponsors.

23. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/..

Organization of the work of the fifty-fourth session of the Commission (dates of the fifty-fourth session) (postponed)*

24. At its 67th meeting, on 16 April 1997, the Chairman orally proposed a draft decision concerning the organization of the work of the fifty-fourth session of the Commission (dates of the fifty-fourth session of the Commission).

25. Statements in connection with the draft decision were made by the representatives of Argentina, Belarus, Bulgaria, Canada, Mexico, and the United Kingdom of Great Britain and Northern Ireland, and the observer for Greece.

26. The Chairman proposed postponing consideration of the draft decision.

27. The Commission, in accordance with decisions 1994/297 and 1995/296 of the Economic and Social Council, decided to recommend to the Council that the fifty-fourth session of the Commission be scheduled from ... to ... 1998.

28. For the text of the decision as adopted, see chapter II, section B, decision 1997/..

Organization of the work of the fifty-fourth session of the Commission (additional meetings)

29. At the 67th meeting, on 16 April 1997, the Chairman orally proposed a draft decision concerning the organization of the work of the fifty-fourth session of the Commission (additional meetings). The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/..

Reporting obligation

30. At its 67th meeting, on 16 April 1997, the Commission decided, without a vote, that unless otherwise indicated in the resolutions adopted at the

fifty-third session, all special rapporteurs, special representatives, independent experts and working groups entrusted with continuing thematic or country-oriented mandates established by the Commission were expected to report to the fifty-fourth session, even if the relevant resolutions did not make explicit reference to that reporting obligation.

F. Meetings, resolutions and documentation

31. As indicated in paragraph 1 above, the Commission held ... fully serviced meetings, including ... additional meetings, authorized by Economic and Social Council decision 1996/295 of 24 July 1996.

32. The resolutions and decisions adopted by the Commission at its fifty-third session are contained in chapter II of the present report. For details regarding their adoption, see annex ... Draft resolutions and decisions for action by the Economic and Social Council are set out in chapter I. For a list of resolutions and decisions adopted by the Commission and statements by the Chairman, by agenda item, see annex ... to the present report.

33. Annex ... contains a statement regarding the administrative and programme budget implications of resolutions and decisions adopted by the Commission at its fifty-third session.

34. Annex ... contains a list of documents issued for the fifty-third session of the Commission.

G. Visits

35. During its fifty-third session, the Commission heard statements 1/ by the following guest speakers:

(a) At the first meeting, on 10 March 1997, Mr. José Ayala Lasso, High Commissioner for Human Rights;

(b) At the 2nd meeting, on 11 March 1997, Ms. Lena Hjelm-Wallén, Minister for Foreign Affairs of Sweden, in connection with whose statement a statement in exercise of the right of reply was made by the representative of China (3rd), followed by a statement in exercise of the right of reply or its equivalent by the observer for Sweden (3rd); and Mr. Niels Helveg Peterson, Minister for Foreign Affairs of Denmark;

(c) At the 4th meeting, on 12 March 1997, Mr. Abdul Matin Khasru, Minister of Law, Justice and Parliamentary Affairs of Bangladesh;

Mr. Faustin Nteziryayo, Minister of Justice of Rwanda; Mrs. Rebecca Kadage, Minister of State for Foreign Affairs of Uganda; Mr. Zoran Thaler, Minister for Foreign Affairs of Slovenia;

(d) At the 5th meeting, on 12 March 1997, Mr. Hans Van Mierlo, Minister for Foreign Affairs of the Netherlands, in connection with whose statement statements in exercise of the right of reply or its equivalent were made by the representative of China (5th) and the observer for Nigeria (5th), followed by a statement in exercise of the right of reply by the representative of the Netherlands (6th); Ms. Tarja Halonen, Minister for Foreign Affairs of Finland; Mr. Xavier Emanuelelli, Secretary of State for Urgent Humanitarian Action of France; Mrs. Patrizia Toia, Vice Minister for Foreign Affairs of Italy.

(e) At the 6th meeting, on 13 March 1997, Mr. Cyril Svoboda, Vice-Minister for Foreign Affairs of the Czech Republic; Mr. Ismael Tidjani-Serpos, Minister of Justice of Benin;

(f) At the 8th meeting, on 14 March 1997, Mr. Vartan Oskanian, Deputy Minister for Foreign Affairs of Armenia, in connection with whose statement a statement in exercise of the right of reply or its equivalent was made by the observer for Azerbaijan (9th);

(g) At the 10th meeting, on 17 March 1997, Mr. Azeddine Laraki, Secretary-General of the Organization of the Islamic Conference, in connection with whose statement statements in exercise of the right of reply or its equivalent were made by the representative of India (11th) and the observer for Armenia (11th);

(h) At the 12th meeting, Ms. Ljerka Mintas Hodak, Vice Prime Minister of Croatia; Mr. Marc Eloi Rahandi Chambrier, Minister of State, Minister of Justice in charge of human rights of Gabon;

(i) At the 14th meeting, on 19 March 1997, Ms. Christina Stewart, Secretary of State for Africa and Latin America of Canada, in connection with whose statement a statement in exercise of the right of reply or its equivalent was made by the observer for Nigeria (15th); Mr. Jan Egeland, State Secretary, Ministry for Foreign Affairs of Norway, in connection with whose statement a statement in exercise of the right of reply or its equivalent was made by the observer for the Islamic Republic of Iran (15th);

(j) At the 16th meeting, on 20 March 1997, Mr. Hans Van den Broek, Member of the European Commission in charge of external relations;

(k) At the 18th meeting, on 21 March 1997, Ms. Christine Ruhaza, Minister of Human Rights, Social Action and Promotion of Women of Burundi;

(l) At the 20th meeting, on 24 March 1997, Ms. Hanan Ashrawi, Minister of High Education in the Palestinian Authority, in accordance with rule 70 of the rules of procedure, in connection with whose statement a statement in exercise of the right of reply or its equivalent was made by the observer for Israel (21st);

(m) At the 22nd meeting, on 25 March 1997, Mr. Camilo Reyes, Vice-Minister for Foreign Affairs of Colombia;

(n) At the 28th meeting, on 27 March 1997, Mr. René Blattman, Minister of Justice of Bolivia;

(o) At the 30th meeting, on 1 April 1997, Ms. Sadako Ogata, United Nations High Commissioner for Refugees; Mr. Bill Richardson, Permanent Representative of the United States of America to the United Nations, in connection with whose statement statements in exercise of the right of reply or its equivalent were made by the representatives of China (31st), Cuba (31st) and the observers for Iraq (31st), Myanmar (31st), and Palestine (31st);

(p) At the 33rd meeting, on 2 April 1997, Ms. Martha Altolaguirre, Minister for Human Rights of Guatemala; Mr. Ephrem Seth Dorkenoo, Minister of Justice and Human Rights of Togo; Mr. Ljubomir Danailov Frckoski, Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia, in connection with whose statement statements in exercise of the right of reply or its equivalent were made by the observer for Greece (34th), followed by statements in exercise of the right of reply by the observer for the former Yugoslav Republic of Macedonia (34th); Mr. Valdis Birkavs, Minister for Foreign Affairs of Latvia;

(q) At the 43rd meeting, on 7 April 1997, Mr. Husein Zivalj, Vice-Minister for Foreign Affairs of Bosnia and Herzegovina;

(r) At the 46th meeting, on 8 April 1997, Mr. Abdel Basit-Sabdarat, Minister of Justice of the Sudan;

(s) At the 49th meeting, on 9 April 1997, Mr. Kofi Annan, Secretary-General of the United Nations; Ms. Carol Bellamy, Executive Director of the United Nations Children's Fund;

(t) At the 59th meeting, on 14 April 1997, Mr. Sardar Abdul Qayyum Khan, Federal Minister of Pakistan;

(u) At the 63rd meeting, on 15 April 1997, Mr. Francisco-Javier Ngomo Mbengono, Vice Prime Minister of Equatorial Guinea.

H. Other matters

36. At the 1st meeting, on 10 March 1997, the Commission on Human Rights observed a minute of silence in memory of the five members of the Human Rights Field Operation in Rwanda who lost their lives in an ambush on 4 February 1997.

37. At the 8th meeting, on 14 March 1997, Mr. José Ayala Lasso, High Commissioner for Human Rights made a statement. At the same meeting, statements were made by the representatives of China, the Czech Republic (on behalf of the Eastern European Group), El Salvador (on behalf of the Group of Latin American Countries), Gabon, Germany, Malaysia (on behalf of the Asian Group), the Netherlands (on behalf of the European Union), Pakistan and the United States of America. The observer for Mauritius, on behalf of the African Group, also made a statement.

38. At the 18th meeting, on 21 March 1997, the Commission on Human Rights, at the request of the representative of Zimbabwe, observed a minute of silence in memory of the late Mr. Michael Manley, Prime Minister of Jamaica.

39. At the 22nd meeting, on 25 March 1997, Mr. Pierre-Henri Imbert, Director of Human Rights of the Council of Europe made a statement.

40. At the 35th meeting, on 2 April 1997, the Commission on Human Rights, at the request of the representative of Turkey, observed a minute of silence in memory of the victims of racism and xenophobia all over the world.

41. At the 36th meeting, on 3 April 1997, the representative of the Netherlands (on behalf of the European Union) made a general statement on the financial implications of draft resolutions and decisions adopted by the Commission.

42. At the 50th meeting, on 9 April 1997, Mr. Maryan Baquerot, Director, Division of Administration, United Nations Office in Geneva, made a statement on the procedures that apply in respect of administrative and budgetary matters.



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DRAFT REPORT OF THE COMMISSION

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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Chapter

- IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB
TERRITORIES, INCLUDING PALESTINE

* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE
OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

1. The Commission considered agenda item 4 concurrently with item 7 (see chap. VII) at its 3rd to 9th meetings, from 11 to 14 March, and at its 26th meeting, on 26 March 1997. 1/
2. For the documents issued under agenda item 4, see annex .. to the present report. For a list of resolutions adopted by the Commission see annex .. to the present report.
3. At the 3rd meeting, on 11 March 1997, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Mr. Hannu Halinen, introduced his report (E/CN.4/1997/16). At the 9th meeting, on 14 March 1997, the Special Rapporteur made his concluding remarks.
4. In the general debate on agenda item 4, statements 2/ were made by the following members of the Commission: Algeria (8th), Bangladesh (7th), Canada (6th), China (4th), Cuba (4th), Egypt (5th), India (6th), Indonesia (4th), Japan (6th), Malaysia (6th), Netherlands (3rd), Nicaragua (8th), Pakistan (6th), Republic of Korea (5th), Russian Federation (8th), United States of America (6th), Zimbabwe (5th).
5. The Commission heard statements by the observers for: Iran (Islamic Republic of) (8th), Israel (9th), Jordan (5th), Libyan Arab Jamahiriya (8th), Morocco (4th), Norway (6th), Senegal (4th), Sudan (4th), Swaziland (3rd), Syrian Arab Republic (3rd), Tunisia (5th), Yemen (4th). The observer for Palestine also made a statement (3rd).
6. The Commission also heard a statement by the following intergovernmental organization: League of Arab States (3rd).
7. The Commission also heard statements by the following non-governmental organizations: Amnesty International (3rd), Arab Lawyers Union (9th), Centre Europe-Tiers Monde (4th), Franciscans International (6th), International Commission of Jurists (7th), International Federation of Human Rights Leagues (3rd), Pax Christi International (5th), Women's International League for Peace and Freedom (4th), World Jewish Congress (3rd), World Organization against Torture (4th).

8. Statements in exercise of the equivalent of the right of reply were made by the observers for Iran (Islamic Republic of) (9th), Israel (3rd) and the Syrian Arab Republic (7th). The Observer for Palestine also made statements (3rd, 9th).

9. At its 26th meeting, on 26 March 1997, the Commission took up consideration of the draft resolutions submitted under agenda item 4.

Question of the violation of human rights in the occupied Arab territories, including Palestine

10. The representative of Indonesia introduced draft resolution E/CN.4/1997/L.3, sponsored by Algeria, Bahrain, Bangladesh, China, Cuba, Egypt, Indonesia, Jordan, Malaysia, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Tunisia and Yemen. Mauritania and the Sudan subsequently joined the sponsors.

11. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

12. Statements in explanation of vote before the vote were made by the representatives of the Netherlands (on behalf of the European Union) and the United States of America.

13. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution, which was adopted by 25 votes to 1, with 23 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Cuba, Egypt, Ethiopia, Guinea, India, Indonesia, Malaysia, Mexico, Mozambique, Nepal, Pakistan, Philippines, Republic of Korea, South Africa, Sri Lanka, Uganda, Zimbabwe.

Against: United States of America.

Abstaining: Angola, Argentina, Austria, Belarus, Bulgaria, Canada, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Japan, Madagascar, Netherlands, Nicaragua, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

14. Statements in explanation of vote after the vote were made by the representatives of Chile and Colombia.

15. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/1.

Human rights in the occupied Syrian Golan

16. The observer for the Syrian Arab Republic introduced draft resolution E/CN.4/1997/L.5, sponsored by Algeria, Bahrain, Bangladesh, Cuba, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen. The Democratic People's Republic of Korea, Mauritania and Pakistan subsequently joined the sponsors.

17. A statement in explanation of vote before the vote was made by the representative of the Netherlands (on behalf of the European Union).

18. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution, which was adopted by 26 votes to 1, with 23 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Bangladesh, Benin, Bhutan, Cape Verde, Chile, China, Colombia, Cuba, Egypt, Ethiopia, Guinea, India, Indonesia, Malaysia, Mexico, Mozambique, Nepal, Pakistan, Philippines, Republic of Korea, South Africa, Sri Lanka, Uganda, Zimbabwe.

Against: United States of America.

Abstaining: Angola, Austria, Belarus, Brazil, Bulgaria, Canada, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Japan, Madagascar, Netherlands, Nicaragua, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

19. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/2.

Israeli settlements in the occupied Arab territories

20. The representative of the Netherlands introduced draft resolution E/CN.4/1997/L.6, sponsored by Australia, Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Malta, Netherlands, Portugal,

Romania, Slovakia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Jordan, Nepal and New Zealand subsequently joined the sponsors.

21. Statements in explanation of vote before the vote were made by the representatives of Algeria, Egypt and Mexico.

22. The representative of the United States of America requested a vote on the draft resolution. At the request of the representative of Egypt, a roll-call vote was taken on the draft resolution, which was adopted by 47 votes to 1, with 2 abstentions. The voting was as follows:

In favour: Algeria, Angola, Argentina, Austria, Bangladesh, Belarus, Benin, Bhutan, Brazil, Bulgaria, Canada, Cape Verde, Chile, China, Colombia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, France, Germany, Guinea, India, Indonesia, Ireland, Italy, Japan, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, Pakistan, Philippines, Republic of Korea, Russian Federation, South Africa, Sri Lanka, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Against: United States of America.

Abstaining: Dominican Republic, Uruguay.

23. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/3.

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DRAFT REPORT OF THE COMMISSION

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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Chapter

- V. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:
- (a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;
 - (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms.

* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

V. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

- (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;
- (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.

1. The Commission considered agenda item 5 concurrently with item 6 (see chap. VI) at its 13th to 18th meetings, from 18 to 21 March, and at its 36th meeting, on 3 April, at its 56th meeting on 11 April, and at its 63rd meeting on 15 April 1997. 1/
2. For the documents issued under agenda item 5, see annex .. to the present report. For a list of resolutions and decisions adopted by the Commission and statements by the Chairman, see annex .. to the present report.
3. At the 14th meeting, on 19 March 1997, the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes, Ms. Fatma Zohra Ksentini, introduced her report (E/CN.4/1997/19). At the 18th meeting, on 21 March 1997, the Special Rapporteur made her concluding remarks.
4. At the 16th meeting, on 20 March 1997, the Chairperson-Rapporteur of the open-ended working group on structural adjustment programmes and economic, social and cultural rights, Ms. Lilia Bautista, introduced the report of the working group (E/CN.4/1997/20).
5. At the 17th meeting, on 20 March 1997, the Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities on human rights and extreme poverty, Mr. Leandro Despouy, introduced his final report (E/CN.4/Sub.2/1996/13), on the understanding that this did not create a precedent for special rapporteurs of the Sub-Commission and that there were no financial implications.
6. In the general debate on agenda item 5, statements 2/ were made by the following members of the Commission: Algeria (17th), Angola (18th),

Argentina (15th), Bangladesh (16th), Bhutan (18th), Brazil (16th), Canada (16th), Chile (16th), China (14th), Cuba (14th), Ecuador (16th), Egypt (15th), El Salvador (18th), India (16th), Japan (14th), Malaysia (18th), Mexico (15th), Nepal (16th), Netherlands (on behalf of the European Union) (14th), Nicaragua (18th), Pakistan (16th), Republic of Korea (15th), Russian Federation (17th), South Africa (14th), Uganda (16th), Uruguay (16th), Zimbabwe (18th).

7. The Commission heard statements by the observers for: Armenia (16th), Costa Rica (15th), Honduras (13th), Iraq (16th), Libyan Arab Jamahiriya (16th), Marshall Islands (13th), Norway (18th), Poland (16th), Swaziland (13th), Tunisia (16th), Yemen (14th).

8. Statements were also made by the observers for the Food and Agriculture Organization of the United Nations (16th) and the United Nations Centre for Human Settlements (Habitat) (13th).

9. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (17th), American Association of Jurists (16th), Centre Europe-Tiers Monde (14th), Christian Democrat International (17th), Himalayan Research and Cultural Foundation (14th), Human Rights Advocates (13th), Indian Council of Education (17th), Indigenous World Association (15th), International Association of Democratic Lawyers (17th), International Association of Educators for World Peace (14th), International Educational Development, Inc. (15th), International Federation of Social Workers (14th), International Federation Terre des Hommes (14th), International Islamic Federation of Student Organizations (18th), International Indian Treaty Council (15th), International League for the Rights and Liberation of Peoples (17th), International Movement ATD Fourth World (17th), International Organization for the Development of Freedom of Education (15th), International Progress Organization (13th), Liberation (17th), Minority Rights Group (13th), Pax Christi International (17th), Pax Romana (13th), Sierra Club Legal Defense Fund, Inc. (15th), Transnational Radical Party (15th), United Towns Agency for North-South Cooperation (joint statement with International Association of Educators for World Peace) (14th), War Resisters International (15th), Women's International Democratic Federation (17th), Women's International League for Peace and Freedom (17th), World Muslim Congress (17th), World Organization against Torture (17th), World Peace Council (15th).

10. Statements in exercise of the right of reply or its equivalent were made by the representatives of Mexico (17th) and the Philippines (17th) and by the observers for Armenia (17th) and Azerbaijan (17th).

Human rights and unilateral coercive measures

11. At the 36th meeting, on 3 April 1997, the representative of Colombia introduced draft resolution E/CN.4/1997/L.13, sponsored by China and Colombia (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries). Equatorial Guinea subsequently joined the sponsors.

12. A statement in explanation of vote before the vote was made by the representative of the United States of America.

13. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution, which was adopted by 37 votes to 8, with 7 abstentions. The voting was as follows:

In favour: Algeria, Angola, Argentina, Bangladesh, Belarus, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Nicaragua, Pakistan, Philippines, Russian Federation, South Africa, Sri Lanka, Uganda, Uruguay, Zaire, Zimbabwe.

Against: Bulgaria, Canada, Germany, Japan, Netherlands, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Czech Republic, Denmark, France, Ireland, Italy, Ukraine.

14. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/7.

Human rights and the environment

15. At the 36th meeting, on 3 April 1997, the Commission took up consideration of draft decision E/CN.4/1997/L.19, sponsored by Ukraine. Equatorial Guinea and Venezuela subsequently joined the sponsor.

16. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/...

The right to food

17. At the 36th meeting, on 3 April 1997, the representative of Cuba introduced draft resolution E/CN.4/1997/L.21/Rev.1, sponsored by Angola, Bangladesh, Benin, Cameroon, China, Colombia, Cuba, Democratic People's Republic of Korea, Dominican Republic, El Salvador, Ethiopia, France, Guatemala, Haiti, Iran (Islamic Republic of), Iraq, Ireland, Italy, Madagascar, Mozambique, Nepal, Nicaragua, Nigeria, Pakistan, Papua New Guinea, Portugal, Rwanda, Senegal, South Africa, Swaziland, Syrian Arab Republic, Uganda, Viet Nam and Yemen. Algeria, Canada, Denmark, Equatorial Guinea, Egypt, the Libyan Arab Jamahiriya, Mozambique, Nepal, Norway, Peru, the United Republic of Tanzania and Togo subsequently joined the sponsors.

18. Statements in explanation of vote before the vote were made by the representatives of Argentina and the United States of America.

19. The draft resolution was adopted without a vote. For the text of the resolution, as adopted, see chapter II, section A, resolution 1997/8.

Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

20. At the 36th meeting, on 3 April 1997, the representative of Egypt introduced draft resolution E/CN.4/1997/L.22 sponsored by Egypt on behalf of the Group of African States. Equatorial Guinea subsequently joined the sponsors.

21. Statements in explanation of vote before the vote were made by the representatives of Denmark, the Netherlands and the United States of America.

22. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution, which was adopted by 32 votes to 12, with 8 abstentions. The voting was as follows:

In favour: Algeria, Angola, Argentina, Bangladesh, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Mexico, Mozambique, Nepal, Nicaragua, Pakistan, South Africa, Sri Lanka, Uganda, Uruguay, Zaire, Zimbabwe.

Against: Austria, Canada, Denmark, France, Germany, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belarus, Bulgaria, Czech Republic, Dominican Republic, Ireland, Malaysia, Philippines, Republic of Korea.

23. At the same meeting, statements in explanation of vote after the vote were made by the representatives of Japan and the Philippines.

24. For the draft resolution as adopted, see chapter II, section A, resolution 1997/9.

Effects on the full enjoyment of human rights on the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

25. At the 36th meeting, on 3 April 1997, the representative of Cuba introduced draft resolution E/CN.4/1997/L.23 sponsored by Angola, Benin, Cameroon, China, Cuba, the Democratic People's Republic of Korea, Egypt, Haiti, Iran (Islamic Republic of), Iraq, Madagascar, Mozambique, Nigeria, Swaziland, the Syrian Arab Republic, Uganda, Viet Nam and Yemen. Equatorial Guinea, Gabon, Ghana, the Sudan, the United Republic of Tanzania and Zimbabwe subsequently joined the sponsors.

26. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on the draft resolution, which was adopted by 34 votes to 15, with 3 abstentions. The voting was as follows:

In favour: Algeria, Angola, Argentina, Bangladesh, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Nicaragua, Pakistan, South Africa, Sri Lanka, Uganda, Uruguay, Zaire, Zimbabwe.

Against: Austria, Belarus, Bulgaria, Canada, Denmark, France, Germany, Ireland, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Czech Republic, Philippines, Republic of Korea.

27. At the same meeting, statements in explanation of vote after the vote were made by the representatives of Japan and the Philippines.

28. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/10.

Human rights and extreme poverty

29. At the 36th meeting, on 3 April 1997, the representative of France introduced draft resolution E/CN.4/1997/L.24, sponsored by Afghanistan, Algeria, Angola, Argentina, Austria, Bangladesh, Belgium, Benin, Cameroon, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Denmark, the Dominican Republic, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Greece, Guatemala, Haiti, Ireland, Italy, Madagascar, Mozambique, Nepal, Nicaragua, Papua New Guinea, Peru, Poland, Portugal, the Russian Federation, Rwanda, San Marino, Slovakia, South Africa, Spain, Switzerland, Uganda and Venezuela. Australia, Bhutan, Brazil, Bulgaria, Cape Verde, the Czech Republic, Ecuador, Equatorial Guinea, Honduras, Mexico, Mongolia, Mozambique, Norway, the Philippines, the Republic of Korea, Romania, Senegal, Sweden, Togo, Uruguay and Ukraine subsequently joined the sponsors.

30. The representative of France orally revised the draft resolution by inserting after operative paragraph 7 (e) a new sub-paragraph, which read as follows:

"Submit to the Commission at its fifty-fourth session, in accordance with agreed conclusions 1996/1 of the Economic and Social Council, a report, to be prepared by the Centre for Human Rights and the Division for the Advancement of Women, on the obstacles encountered and progress achieved in the field of women's rights relating to economic resources, the elimination of poverty and economic development, in particular for women living in extreme poverty;"

31. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/11.

32. In view of the adoption of resolution 1997/11, the Commission took no action on draft decision 3 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I, sect. B).

Economic, social and cultural rights

33. At the 56th meeting, on 11 April 1997, the observer for Portugal introduced draft resolution E/CN.4/1997/L.26/Rev.1, sponsored by Belarus,

Belgium, Bulgaria, Chile, the Czech Republic, Denmark, Equatorial Guinea, Finland, France, Germany, Greece, Italy, Luxembourg, Madagascar, Malta, Mexico, Nepal, Norway, Peru, Poland, Portugal, Romania, the Russian Federation, Slovakia, South Africa, Spain, Switzerland, Uganda, Ukraine and Venezuela. Australia, Austria, Canada, Cape Verde, India, Ireland, the Philippines, Sweden and Uruguay subsequently joined the sponsors.

34. A statement in explanation of vote before the vote was made by the representative of the United States of America.

35. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/17.

Effects of structural adjustment policies on the full enjoyment of human rights

36. At the 36th meeting, on 3 April 1997, the representative of the Philippines introduced draft decision E/CN.4/1997/L.27, sponsored by the Philippines. Equatorial Guinea subsequently joined the sponsor.

37. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft decision.

38. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on the draft decision, which was adopted by 36 votes to 13, with 3 abstentions. The voting was as follows:

In favour: Algeria, Angola, Argentina, Bangladesh, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Nicaragua, Pakistan, Philippines, Republic of Korea, South Africa, Sri Lanka, Uganda, Uruguay, Zaire and Zimbabwe.

Against: Austria, Belarus, Bulgaria, Canada, France, Germany, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America.

Abstaining: Czech Republic, Denmark, Ireland.

39. For the text of the decision as adopted, see chapter II, section B, decision 1997/..

Human rights and income distribution

40. At its 36th meeting, on 3 April 1997, the Commission considered draft decision 4, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I, sect. B).

41. At the request of the representative of Germany, consideration of the draft decision was postponed.

42. At the 63rd meeting, on 15 April 1997, the proposed amendments to draft decision 4 by the representative of the Netherlands (on behalf of the European Union) (E/CN.4/1997/L.104) were adopted without a vote.

43. The draft decision, as amended, was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/..



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Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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Chapter

VI. QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

VI. QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

1. The Commission considered agenda item 6 concurrently with item 5 (see chap. V) at its 13th to 18th meetings, from 18 to 21 March, and at its 67th meeting, on 16 April 1997. 1/
2. For the documents issued under agenda item 6, see annex .. to the present report. For a list of resolutions and decisions adopted by the Commission and statements by the Chairman, see annex .. to the present report.
3. At the 14th meeting, on 19 March 1997, the Chairman-Rapporteur of the Intergovernmental Group of Experts on the Right to Development, Mr. Krsysztof Drzewicki, introduced the report of the Intergovernmental Group of Experts on its first session (E/CN.4/1997/22).
4. In the general debate on agenda item 6, statements 2/ were made by the following members of the Commission: Algeria (17th), Argentina (18th), Bangladesh (18th), Bhutan (18th), Brazil (16th), Canada (16th), Chile (16th), China (14th), Colombia (15th), Cuba (17th), Ecuador (16th), Egypt (15th), El Salvador (18th), India (16th), Indonesia (18th), Japan (14th), Malaysia (18th), Mexico (15th), Nepal (16th), Netherlands (on behalf of the European Union) (14th), Nicaragua (18th), Pakistan (16th), Republic of Korea (15th), Russian Federation (17th), South Africa (18th), Uganda (16th), United States of America (17th), Zimbabwe (18th).
5. The Commission heard statements by the observers for: Armenia (16th), Costa Rica (15th), Iran (Islamic Republic of) (15th), Morocco (16th), Norway (18th), Poland (16th), Senegal (16th), Tunisia (16th), Venezuela (13th), Yemen (14th).
6. A statement was also made by the observer for the Food and Agriculture Organization of the United Nations (16th).
7. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (16th), Centre Europe-Tiers Monde (14th), Indigenous World Association (15th), International Educational Development, Inc. (15th), International Federation of Rural Adult Catholic Movements (14th), International Indian Treaty Council (15th), International Institute for Non-Aligned Studies (14th), International Islamic Federation of Student Organizations (18th), International Organization for the Development of Freedom of Education (15th), Liberation (17th), Pax Romana (13th), World Muslim Congress (17th), World Peace Council (15th).

8. At its 67th meeting, on 16 April 1997, the representative of Colombia introduced draft resolution E/CN.4/1997/L.25/Rev.1, sponsored by Argentina, Australia, Belarus, Brazil, Bulgaria, China, Colombia (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries), Costa Rica, Cyprus, Denmark, Dominican Republic, El Salvador, France, Germany, Greece, Ireland, Italy, Portugal, the Russian Federation, Spain and Uruguay. Belgium, Ecuador, Finland, Slovenia, the former Yugoslav Republic of Macedonia and Venezuela subsequently joined the sponsors.

9. The draft resolution was orally revised by the representative of Colombia as follows:

- (a) The fifteenth preambular paragraph was deleted;
- (b) In operative paragraph 3, after "all levels", a comma was inserted;
- (c) After operative paragraph 12, the title "Working Group of Intergovernmental Experts" was deleted.

10. A statement in connection with the draft resolution was made by the representative of Egypt.

11. A statement in explanation of vote before the vote was made by the representative of the United States of America.

12. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/72.



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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE
FIFTY-THIRD SESSION OF THE COMMISSION

DRAFT REPORT OF THE COMMISSION

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

VII. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND
ITS APPLICATION TO PEOPLES UNDER COLONIAL OR
ALIEN DOMINATION OR FOREIGN OCCUPATION

1. The Commission considered agenda item 7 concurrently with item 4 (see chap. IV) at its 3rd to 9th meetings, from 11 to 14 March, and at its 26th meeting, on 26 March 1997. ^{1/}
2. For the documents issued under agenda item 7, see annex .. to the present report. For a list of resolutions adopted by the Commission, see annex .. to the present report.
3. At the 7th meeting, on 13 March 1997, the Special Rapporteur on the question of the use of mercenaries, Mr. Enrique Bernales Ballesteros, introduced his report (E/CN.4/1997/24).
4. In the general debate on agenda item 7, statements ^{2/} were made by the following members of the Commission: Algeria (8th), Angola (8th), Bangladesh (7th), China (6th), Cuba (6th), Egypt (5th), India (6th), Indonesia (on behalf of the Organization of the Islamic Conference (6th)) (8th), Nicaragua (8th), Pakistan (6th), Sri Lanka (8th), Republic of Korea (5th), Russian Federation (8th).
5. The Commission heard statements by the observers for: Armenia (6th), Azerbaijan (8th), Iran (Islamic Republic of) (8th), Iraq (7th), Jordan (5th), Morocco (8th), Norway (6th), Portugal (7th), Swaziland (4th). The observer for Palestine also made a statement (8th).
6. The Commission also heard statements by the following non-governmental organizations: Afro-Asian People's Solidarity Organization (7th), Centre Europe-Tiers Monde (5th), Christian Solidarity International (9th), France-Libertés: Fondation Danielle Mitterrand (5th), Himalayan Research and Cultural Foundation (7th), Indigenous World Association (6th), International Association of Democratic Lawyers (6th), International Educational Development, Inc. (6th), International Human Rights Association of American Minorities (9th), International Indian Treaty Council (9th), International Institute for Peace (9th), International Islamic Federation of Student Organizations (9th), International League for the Rights and Liberation of Peoples (7th), Liberation (6th), Movement against Racism and for Friendship among Peoples (6th), Society for Threatened Peoples (9th), Transnational Radical Party (5th), World Muslim Congress (6th), World Peace Council (9th).

7. Statements in exercise of the right of reply or its equivalent were made by the representatives of Algeria (9th), China (9th), Indonesia (9th), Mexico (9th) and Zaire (9th) and by the observers for Armenia (7th, 9th), Azerbaijan (7th), Morocco (7th, 9th) and Portugal (9th).

8. At its 26th meeting, on 26 March 1997, the Commission took up consideration of the draft resolutions submitted under agenda item 7.

Situation in occupied Palestine

9. The representative of Egypt introduced draft resolution E/CN.4/1997/L.4, sponsored by Algeria, Bahrain, Bangladesh, China, Cuba, Egypt, Indonesia, Jordan, Malaysia, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Tunisia and Yemen. Mauritania, South Africa, the Sudan and the United Arab Emirates subsequently joined the sponsors.

10. A statement in explanation of vote before the vote was made by the representative of the Netherlands on behalf of the European Union.

11. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution, which was adopted by 28 votes to 1, with 21 abstentions. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Egypt, Ethiopia, Guinea, India, Indonesia, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Pakistan, Philippines, Republic of Korea, South Africa, Sri Lanka, Uganda, Zimbabwe.

Against: United States of America.

Abstaining: Argentina, Austria, Belarus, Bulgaria, Canada, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Japan, Netherlands, Nicaragua, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

12. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/4.

Question of Western Sahara

13. The Chairman of the Commission introduced draft resolution E/CN.4/1997/L.7.

14. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/5.

Middle East peace process

15. The representative of the United States of America introduced draft resolution E/CN.4/1997/L.8, sponsored by Austria, Belgium, Denmark, Finland, Germany, Iceland, Netherlands, Norway, Republic of Korea, Romania, Switzerland, United Kingdom of Great Britain and Northern Ireland and the United States of America. Argentina, Australia, Bulgaria, Canada, the Czech Republic, the Dominican Republic, Hungary, Israel, Italy, Japan, Liechtenstein, Luxembourg, Madagascar, Nepal, New Zealand, Portugal, Spain and Ukraine subsequently joined the sponsors.
16. Statements in connection with the draft resolution were made by the representatives of Algeria and Egypt and by the observers for Israel and Palestine.
17. The draft resolution was adopted without a vote.
18. A statement in explanation of vote after the vote was made by the representative of France.
19. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/6.



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 - (c) Question of enforced or involuntary disappearances;
 - (d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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VIII. QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

- (a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;
- (b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;
- (c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES;
- (d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

1. The Commission considered agenda item 8 and sub-items (a), (b), (c) and (d) at its 25th to 31st meetings, from 26 March to 1 April 1997 and at its 56th and 57th meetings, on 11 April 1997 and at its 63rd and 64th meetings on 15 April 1997. 1/

2. For the documents issued under agenda item 8 and sub-items (a), (b), (c) and (d), see annex .. to the present report. For a list of resolutions and decisions adopted by the Commission, see annex .. to the present report.

3. At the 25th meeting, on 26 March 1997, the Chairman-Rapporteur of the Working Group on Arbitrary Detention, Mr. Louis Joinet, introduced the report of the Working Group (E/CN.4/1997/4 and Add.1-3). At the 31st meeting, on 1 April 1997, the Chairman-Rapporteur made his concluding remarks.

4. At the 25th meeting, on 26 March 1997, the Special Rapporteur on the independence of judges and lawyers, Mr. Param Cumaraswamy, introduced his report (E/CN.4/1997/32).

5. At the 28th meeting, on 27 March 1997, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Abid Hussain, introduced his report (E/CN.4/1997/31 and Add.1).

6. In the general debate on agenda item 8, statements 2/ were made by the following members of the Commission: Argentina (28th), Austria (29th), Bhutan (29th), Brazil (29th), Chile (28th), Cuba (26th), Egypt (28th), Ethiopia (31st), India (30th), Indonesia (30th), Mexico (30th), Netherlands (on behalf of the European Union) (26th), Pakistan (30th), Republic of Korea (30th), Russian Federation (30th), Sri Lanka (30th), Uganda (30th), United States of America (29th), Uruguay (30th).

7. The Commission heard statements by the observers for: Bahrain (26th), Cameroon (27th), Iran (Islamic Republic of) (31st), Norway (29th), Peru (26th), Poland (27th), Turkey (27th). A statement was also made by the observer for Switzerland (29th).

8. The Commission also heard statements by the following non-governmental organizations: Afro-Asian People's Solidarity Organization (27th), American Association of Jurists (29th), Andean Commission of Jurists (27th), Arab Organization for Human Rights (27th), Article XIX: The International Centre against Censorship (27th), Centre Europe-Tiers Monde (29th), Centre for Justice and International Law (29th), Commission of the Churches on International Affairs of the World Council of Churches (29th), France-Libertés: Fondation Danielle Mitterrand (27th), Franciscans International (29th), International Association against Torture (29th), International Association of Democratic Lawyers (29th), International Association of Educators for World Peace (28th), International Commission of Jurists (27th), International Educational Development, Inc. (27th), International Falcon Movement (31st), International Federation of Human Rights (29th), International Federation of Journalists (28th), International Human Rights Association of American Minorities (29th), International Indian Treaty Council (31st), International Islamic Federation of Student Organizations (30th), International League for the Rights and Liberation of Peoples (28th), International Movement for Fraternal Union among Races and Peoples (27th), International Peace Bureau (29th), International PEN (28th), International Prison Watch (27th), International Progress Organization (29th), International Rehabilitation Council for Torture Victims (27th), Latin American Federation of Associations of Relatives of Disappeared Detainees (27th), Liberation (27th), Movement against Racism and for Friendship among Peoples (31st), Pax Christi International (27th), Pax Romana (27th), Society for Threatened Peoples (30th), Transnational Radical Party (29th), War Resisters' International (27th), Women's International Democratic Federation (27th), World Federation of Democratic Youth (31st), World Muslim Congress (30th), World Organization against Torture (27th).

9. Statements in exercise of the right of reply or its equivalent were made by the representatives of Chile (31st), China (31st), Ethiopia (31st), Malaysia (31st) and Nepal (31st), and the observers for Bahrain (31st), Tunisia (31st), Turkey (31st), Viet Nam (28th) and Yemen (28th).

(a) Torture and other cruel, inhuman or degrading treatment or punishment

10. At the 25th meeting, on 26 March 1997, the Special Rapporteur on the question of torture, Mr. Nigel S. Rodley, introduced his report (E/CN.4/1997/7 and Add.1-3 and Add.3/Corr.1).

11. At the 28th meeting, on 27 March 1997, Mr. Ivan Tosevski, on behalf of the Chairman of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, introduced the report on the mechanisms and activities of the Fund (E/CN.4/1997/27).

12. In the general debate on agenda item 8 (a), statements 2/ were made by the following members of the Commission: Argentina (28th), Austria (29th), Chile (28th), China (28th), Denmark (29th), India (30th), Mexico (30th), Pakistan (30th), Republic of Korea (30th), Russian Federation (30th), Sri Lanka (30th), United States of America (29th).

13. The Commission heard statements by the observers for: Cameroon (27th), Poland (27th), Senegal (29th), Slovakia (28th), Sudan (28th) and Turkey (27th). A statement was also made by the observer for Switzerland (29th).

14. The Commission also heard statements by the following non-governmental organizations: African Commission of Health and Human Rights Promoters (29th), Afro-Asian People's Solidarity Organization (27th), Asian Cultural Forum on Development (30th), Centre Europe-Tiers Monde (29th), Friends World Committee for Consultation (Quakers) (27th), International Association against Torture (29th), International Association of Democratic Lawyers (29th), International Association of Educators for World Peace (28th), International Commission of Jurists (27th), International Educational Development, Inc. (27th), International Federation of Human Rights (29th), International Human Rights Association of American Minorities (29th), International Indian Treaty Council (31st), International Islamic Federation of Student Organizations (30th), International League for the Rights and Liberation of Peoples (28th), International Prison Watch (27th), International Progress Organization (29th), Latin American Federation of Associations of Relatives of Disappeared Detainees (27th), Liberation (27th), Movement against Racism and for Friendship among Peoples (31st), Pax Christi International (27th), Pax Romana (27th), Society for Threatened Peoples (30th), United Towns Agency for North-South Cooperation (28th), War Resisters' International (27th), Women's

International Democratic Federation (27th), World Federation of Democratic Youth (31st), World Muslim Congress (30th), World Organization against Torture (27th), World Society of Victimology (31st).

15. A statement in exercise of the right of reply was made by the representative of Nepal (31st).

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

16. In the general debate on agenda item 8 (b), statements 2/ were made by the representatives of: Argentina (28th), China (28th), India (30th), Republic of Korea (30th), Russian Federation (30th),

17. The Commission heard statements by the observers for: Senegal (29th), Slovakia (28th).

18. The Commission also heard a statement by the following non-governmental organization: Asian Cultural Forum on Development (30th).

(c) Question of enforced or involuntary disappearances

19. At the 25th meeting, on 26 March 1997, the Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Mr. Ivan Tosevski, introduced the report of the Working Group (E/CN.4/1996/34).

20. At the same meeting, the expert member of the Working Group responsible for the special process on missing persons in the territory of the former Yugoslavia, Mr. Manfred Nowak, introduced his report (E/CN.4/1997/55 and Corr.1).

21. In the general debate on agenda item 8 (c), statements 2/ were made by the representatives of Angola (28th), Argentina (28th), Chile (28th), Indonesia (30th), Mexico (30th), Pakistan (30th), Sri Lanka (30th),

22. The Commission heard statements by the observers for: Bosnia and Herzegovina (25th), Croatia (25th), Cyprus (27th), Sudan (28th). A statement was also made by the observer for Switzerland (29th).

23. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (31st), American Association of Jurists (29th), American Federation of Associations of Relatives of Disappeared Detainees (27th), Asian Cultural Forum on Development (30th), Centre Europe-Tiers Monde (29th), Himalayan Research and Cultural Foundation (27th), International Association of Democratic Lawyers (29th), International Educational Development, Inc. (27th), International Human Rights Association of American Minorities (29th), International Institute for Peace (27th), International Islamic Federation of Student Organization (30th),

Latin American Federation of Associations of Relatives of Disappeared Detainees (27th), Liberation (27th), Movement against Racism and for Friendship among Peoples (31st), Society for Threatened Peoples (30th), World Federation of Democratic Youth (31st), World Muslim Congress (30th), World Society of Victimology (31st).

24. Statements in exercise of the right of reply or its equivalent were made by the representative of the Philippines (31st) and the observer for Morocco (31st).

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

25. At the 26th meeting, on 26 March 1997, the Chairman-Rapporteur of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Mr. Carlos Vargas Pizarro, introduced the report of the working group (E/CN.4/1997/33 and Add.1).

26. In the general debate on agenda item 8 (d), statements 2/ were made by the following members of the Commission: Chile (28th), China (28th), Ecuador (28th), Russian Federation (30th).

27. The Commission heard statements by the observers for Poland (27th) and Slovakia (28th). A statement was also made by the observer for Switzerland (29th).

Children and juveniles in detention

28. At the 56th meeting, on 11 April 1997, the representative of Austria introduced draft decision E/CN.4/1997/L.32, sponsored by Austria. Belgium, the Czech Republic, Equatorial Guinea and Romania subsequently joined the sponsors.

29. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/..

Independence and impartiality of the judiciary, jurors and assessors and independence of lawyers

30. At the 56th meeting, on 11 April 1997, the observer for Hungary introduced draft resolution E/CN.4/1997/L.49, sponsored by Argentina, Australia, Austria, Belgium, Benin, Bulgaria, Canada, Cape Verde, Chile, the Czech Republic, Denmark, El Salvador, Finland, France, Germany, Greece, Haiti, Honduras, Hungary, Ireland, Italy, Lithuania, Luxembourg, Madagascar, Nepal, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden,

Switzerland, the United Kingdom of Great Britain and Northern Ireland and Uruguay. The Dominican Republic, Equatorial Guinea, Liechtenstein, Mali, Senegal, Togo and the United States of America subsequently joined the sponsors.

31. The draft resolution was orally revised by the observer for Hungary by inserting in the seventh preambular paragraph, after "Treatment of Offenders", the words "held at Cairo from 29 April to 8 May 1995,".

32. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 1/ of the draft resolution.

33. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/23.

Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

34. At the 56th meeting, on 11 April 1997, the observer for Costa Rica introduced draft resolution E/CN.4/1997/L.50, sponsored by Argentina, Austria, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Costa Rica, Cyprus, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Italy, Liechtenstein, Luxembourg, Mexico, the Netherlands, Nicaragua, Norway, Peru, Poland, Portugal, Romania, the Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, Uruguay, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela. Belarus, Canada, Colombia, Ecuador, Equatorial Guinea and Estonia subsequently joined the sponsors.

35. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 1/ of the draft resolution.

36. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/24.

Torture and other cruel, inhuman or degrading treatment or punishment

37. At the 56th meeting, on 11 April 1997, the representative of Denmark introduced draft resolution E/CN.4/1997/L.51, sponsored by Argentina,

Australia, Austria, Belgium, Canada, Chile, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, the Republic of Korea, Romania, the Russian Federation, San Marino, Senegal, Slovakia, Slovenia, Spain, Switzerland, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Belarus, Bulgaria, Costa Rica, Latvia, Madagascar, New Zealand, Poland, Portugal, South Africa, Sweden, the United States of America and Venezuela subsequently joined the sponsors.

38. The draft resolution was orally revised by the representative of Denmark by deleting, in operative paragraph 27, the phrase ",especially those mentioned by the Special Rapporteur in his report,".

39. A statement in connection with the draft resolution was made by the representative of China, who called for a roll-call vote on operative paragraph 18.

40. The representative of Egypt proposed to replace operative paragraph 18 which read "Commends the Special Rapporteur on his report (E/CN.4/1997/7 and Add.1-3)", by "Takes note of the report of the Special Rapporteur (E/CN.4/1997/7 and Add.1-3)".

41. Statements in connection with the draft resolution, the amendment proposed by Egypt and the proposal made by China were made by the representatives of Algeria, Brazil, Canada, Cuba, China, Nepal and the United Kingdom of Great Britain and Northern Ireland.

42. Statements in explanation of vote before the vote were made by the representatives of Algeria and Brazil.

43. At the request of the representative of Cuba, consideration of the draft resolution was postponed.

44. At the 57th meeting, on 11 April 1997, the Commission resumed consideration of draft resolution E/CN.4/1997/L.51.

45. The representative of Denmark orally revised the draft resolution by replacing, in operative paragraph 18, the words "on his report (E/CN.4/1997/7 and Add.1-3)" by "for his work as reflected in his report (E/CN.4/1997/7);".

46. A statement in connection with the draft resolution, as revised by Denmark, was made by the representative of China.

47. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/38.

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48. At the 56th meeting, on 11 April 1997, the representative of Portugal introduced draft resolution E/CN.4/1997/L.53, sponsored by Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Peru, the Philippines, Portugal, the Republic of Korea, the Russian Federation, San Marino, Slovakia, Spain and Sweden. Australia, Egypt, Liechtenstein, Madagascar, Malta, New Zealand, the Netherlands, Norway, Poland, the United Kingdom of Great Britain and Northern Ireland, Ukraine and Uruguay subsequently joined the sponsors.

49. A statement in explanation of vote before the vote was made by the representative of Mexico.

50. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/25.

Question of enforced or involuntary disappearances

51. At the 57th meeting, on 11 April 1997, the representative of France introduced draft resolution E/CN.4/1997/L.54, sponsored by Angola, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Congo, Côte d'Ivoire, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Guinea, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, Madagascar, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Brazil, Cuba, Ecuador, Equatorial Guinea, Israel, the Russian Federation and Senegal subsequently joined the sponsors.

52. Statements in connection with the draft resolution were made by the representatives of Cuba and France.

53. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/26.

Right to freedom of opinion and expression

54. At the 57th meeting, on 11 April 1997, the representative of Canada introduced draft resolution E/CN.4/1997/L.56, sponsored by Argentina, Australia, Austria, Brazil, Bulgaria, Cameroon, Canada, Chile, Côte d'Ivoire, the Czech Republic, Denmark, Finland, France, Germany, Hungary, India,

Ireland, Italy, Japan, Liechtenstein, Luxembourg, the Netherlands, Norway, Peru, Portugal, Slovakia, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Bangladesh, Colombia, the Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Greece, Madagascar, Nepal, New Zealand, Nicaragua, the Philippines, Poland, Romania, the Russian Federation, Togo, Uganda, Ukraine, the United States of America, Uruguay and Venezuela subsequently joined the sponsors.

55. The draft resolution was orally revised by the representative of Canada by deleting, at the end of operative paragraph 10, the words "and to consider whether such deterioration could signal a further weakening in the protection and enjoyment of human rights in a country".

56. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/27.

Hostage-taking

57. At the 57th meeting, on 11 April 1997, the observer for Peru introduced draft resolution E/CN.4/1997/L.57, sponsored by Afghanistan, Argentina, Bolivia, Brazil, Canada, China, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Japan, Peru, the Russian Federation, Turkey and Uruguay. Algeria, Australia, Bangladesh, Belarus, Bhutan, Chile, Costa Rica, Cyprus, Equatorial Guinea, the Dominican Republic, Greece, India, Indonesia, Iraq, Ireland, Italy, Israel, Madagascar, the Netherlands, Nicaragua, the Philippines, Poland, the Republic of Korea, Spain, Sri Lanka, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela subsequently joined the sponsors.

58. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/28.

The right to restitution, compensation and rehabilitation of victims of gross violations of human rights and fundamental freedoms

59. At the 57th meeting, on 11 April 1997, the representative of Chile introduced draft resolution E/CN.4/1997/L.58, sponsored by Argentina, Austria, Bulgaria, Canada, Cape Verde, Chile, Colombia, Cuba, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, France, Hungary, Italy, the Netherlands, Nicaragua, Poland, the Republic of Korea, Senegal, South Africa, Sweden, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Angola, Equatorial Guinea, Germany, Madagascar and the Philippines subsequently joined the sponsors.

60. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/29.

Question of arbitrary detention

61. At the 58th meeting, on 11 April 1997, at the request of the representative of Cuba, consideration of draft resolution E/CN.4/1997/L.79 and the proposed amendment contained in document E/CN.4/1997/L.99 was postponed.

62. Statements in connection with the postponement of the draft resolution and the proposed amendment were made by the representatives of Brazil, Canada, China, Cuba, India, Mexico, the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

63. At the 63rd meeting, on 15 April 1997, the representative of France introduced draft resolution E/CN.4/1997/79, sponsored by Argentina, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, the Czech Republic, Denmark, El Salvador, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, Norway, Poland, Portugal, Romania, the Russian Federation, Senegal, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Angola, Bulgaria and Ecuador subsequently joined the sponsors.

64. The representative of France orally revised the draft resolution E/CN.4/1997/L.79 by replacing, in operative paragraph 2 (d), the words "détention arbitraire" by "privation arbitraire de liberté".

65. At the same meeting, the representative of Cuba introduced amendments proposed to draft resolution E/CN.4/1997/L.79 contained in document E/CN.4/1997/L.99.

66. At the same meeting, the representative of France introduced document E/CN.4/1997/L.108 containing sub-amendments to the amendments proposed by the representative of Cuba.

67. At the 64th meeting, on 15 April 1997, statements in connection with the draft resolution as well as the proposed amendment and sub-amendments were made by the representatives of Algeria, Malaysia, Pakistan and Sri Lanka.

68. The amendment to draft resolution E/CN.4/1997/L.79 proposed by the delegation of Cuba (E/CN.4/1997/L.99) was withdrawn. The proposed amendment read as follows:

"Add the following text as a new final preambular paragraph:

"Bearing in mind that the determination of criteria to establish the respective competence and jurisdiction of the national courts in each country, as well as the specific provisions of national legislation

corresponding to the international legal obligations entered into by each State, is a matter pertaining to the domestic sphere of State sovereignty,"

69. The sub-amendments to draft resolution E/CN.4/1997/L.79 proposed by the delegation of France (E/CN.4/1997/L.108) were also withdrawn. The proposed sub-amendments read as follows:

"Amend the proposed new preambular paragraph as follows:

"1. ~~Delete~~ 'corresponding to the international legal obligations entered into by each State';

"2. ~~Add~~ at the end of the text proposed: 'provided that it complies with the relevant international standards set forth in the Universal Declaration of Human Rights and the relevant international legal instruments it has accepted'".

70. The draft resolution was adopted without a vote. The representative of the United States of America made a statement in connection with the resolution after its adoption.

71. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/50.

The right to a fair trial

72. At the 57th meeting, on 11 April 1997, the Commission considered draft decision 5, recommended by the Sub-Commission on Prevention on Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I, sect. B).

73. The draft decision was adopted without a vote. For the text as adopted, see chapter II, section B, decision 1997/...

Question of human rights and states of emergency

74. At the 57th meeting, on 11 April 1997, the Commission considered draft decision 6, recommended by the Sub-Commission on Prevention on Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I, sect. B).

75. The draft decision was adopted without a vote. For the text as adopted, see chapter II, section B, decision 1997/...

76. At the 64th meeting, on 15 April 1997, the representative of India made a statement in explanation of the vote after the vote on draft decisions recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission.



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**REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION
OF THE COMMISSION**

DRAFT REPORT OF THE COMMISSION

Reporteur: Ms. Margarita ESCOBAR LOPEZ

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* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

IX. FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND
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1. The Commission considered agenda item 9 and sub-items (a), (b), (c) and (d) concurrently with item 18 (see chap. XVIII) at its 34th and 35th meetings, on 2 April, at its 37th to 39th meetings, on 3 April, at its 43rd and 45th meetings, on 7 April, at its 46th meeting, on 8 April, at its 57th and 58th meetings on 11 April and at its 64th meeting, on 15 April 1997. 1/

2. For the documents issued under agenda item 9 and sub-items (a), (b), (c) and (d), see annex ... to the present report. For a list of resolutions and decisions adopted by the Commission, see annex .. to the present report.

- (a) Alternative approaches and ways and means within the
United Nations system for improving the effective
enjoyment of human rights and fundamental freedoms

3. At the 34th meeting, on 2 April 1997, the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, introduced her report (E/CN.4/1997/47 and Add.1-4).

4. In the general debate on agenda item 9 (a), statements 2/ were made by the following members of the Commission: Bangladesh (39th), Brazil (37th), Canada (35th), China (43rd), Egypt (43rd), El Salvador (35th), Ethiopia (35th), Germany (35th), India (35th), Japan (39th), Malaysia (39th), Nepal (35th), Netherlands (on behalf of the European Union) (35th), Pakistan (43rd), Republic of Korea (39th), Sri Lanka (39th), Uganda (43rd), United States of America (43rd),

5. The Commission heard statements by the observers for: Azerbaijan (45th), Democratic People's Republic of Korea (37th), Iran (Islamic Republic of) (38th), Iraq (38th), Libyan Arab Jamahiriya (37th), Malta (37th), New Zealand (45th), Norway (45th), Poland (43rd), Syrian Arab Republic (43rd).

6. Statements were also made by the observers for UN/AIDS (37th) and the United Nations Development Fund for Women (45th).

7. The Commission heard statements by the following non-governmental organizations: All China Women's Federation (39th), Andean Commission of Jurists (39th), Anti-Slavery International (46th), Institute for Women, Law and Development (38th), International Abolitionist Federation (39th), International Alliance of Women (39th), International Association against Torture (46th), International Association of Democratic Lawyers (46th), International Council of AIDS Service Organizations (39th), International Council of Jewish Women (on behalf of International Alliance of Women, Zonta International, World Federation of Methodist and Unionist Church Women, World Association of Girl Guides and Girl Scouts, International Federation of University Women, World Christian Life Community, International Federation of Social Workers, African Association of Education for Development, Pax Christi International, International Association of Democratic Lawyers, International Abolitionist Federation, Coordinating Board of Jewish Organizations, World Union of Progressive Judaism, All India's Women's Conference, World Jewish Congress, International Association of Jewish Lawyers and Jurists, International Council on Jewish Social and Welfare Services, World Union of Catholic Women's Organizations, International League for the Rights and Liberation of Peoples) (38th), International Falcon Movement (46th), International Federation of Human Rights Leagues (38th), International Fellowship of Reconciliation (46th), International Human Rights Association of American Minorities (38th), International Human Rights Law Group (46th), International Movement against All Forms of Discrimination and Racism (38th), International Women's Health Coalition (45th), Latin American Federation of Associations of Relatives of Disappeared Detainees (39th), Liberation (39th), Movimiento Cubano por la Paz y la Soberanía de los Pueblos (39th), North South XXI (39th), Transnational Radical Party (45th), United Towns Agency for North-South Cooperation (38th), Women's International Democratic Federation (38th), Women's International League for Peace and Freedom (45th), World Alliance of Reformed Churches (38th), World Federation of Methodist and

Unionist Church Women (on behalf of the Working Group on Women's Human Rights of the NGO Committee on the Status of Women) (40th), World Muslim Congress (39th), World Organization against Torture (39th), World Peace Council (45th), World Union of Progressive Judaism (38th).

8. Statements in exercise of the right of reply or its equivalent were made by the representative of Nepal (40th) and the observers for Armenia (45th), Azerbaijan (45th) and the Democratic People's Republic of Korea (39th).

(b) National institutions for the promotion and protection of human rights

9. In the general debate on Agenda item 9 (b), statements 2/ were made by the following members of the Commission: Argentina (43rd), Bangladesh (39th), Denmark (43rd), Japan (39th), Nepal (39th), Pakistan (43rd), Sri Lanka (39th).

10. The Commission heard statements by the observers for: National Observatory on Human Rights of Algeria (35th), Australia (43rd), Federal Human Rights and Equal Opportunities Commission of Australia (38th), National Commission on Human Rights and Freedoms of Cameroon (38th), Canadian Human Rights Commission (37th), Commission nationale consultative des droits de l'homme (France) (35th), National Human Rights Commission of India (39th), National Human Rights Commission of Indonesia (45th), Iran (Islamic Republic of) (38th), National Institution from the Islamic Republic of Iran (45th), Kenya (43rd), Mongolia (45th), Human Rights Commission of New Zealand (38th), National Human Rights Commission of Nigeria (43rd), Philippines Commission on Human Rights (45th), Romania (43rd), South African Human Rights Commission (38th), Turkey (35th), Venezuela (43rd).

11. The Commission also heard statements by the following non-governmental organizations: Andean Commission of Jurists (39th), Society for Threatened Peoples (38th), World Muslim Congress (39th).

12. A statement in exercise of the right of reply was made by the representative of Germany (37th).

(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights

13. In the general debate on agenda item 9 (c), statements 2/ were made by the following members of the Commission: Bangladesh (39th), China (43rd), India (35th), Japan (39th), Malaysia (39th), Netherlands (on behalf of the European Union) (35th), Ukraine (35th).

14. The Commission heard statements by the observers for Malta (37th) and Romania (43rd):

(d) Human rights, mass violence and displaced persons

15. At the 43rd meeting, on 8 April 1997, the representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, introduced his report (E/CN.4/1997/43 and Add.1).

16. In the general debate on agenda item 8 (d), statements 2/ were made by the following members of the Commission: Austria (44th), Bangladesh (39th), Nepal (35th), Sri Lanka (38th),

17. The Commission heard statements by the observers for: Armenia (45th), Cyprus (37th), Hungary (37th), Malta (37th), Pakistan (43rd), Peru (43rd), Sudan (45th), Sweden (on behalf of the Nordic countries) (43th).

18. A statement was also made by the observer for the International Committee of the Red Cross (37th).

19. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (46th), African Commission of Health and Human Rights Promoters (45th), American Association of Jurists (38th), Arab Lawyers Union (38th), Asian Cultural Forum on Development (45th), Caritas Internationalis (38th), Centre Europe-Tiers Monde (38th), Franciscans International (46th), Friends World Committee for Consultation (46th), Himalayan Research and Cultural Foundation (39th), Human Rights Internet (39th), Human Rights Watch (38th), International Association against Torture (46th), International Association of Educators for World Peace (39th), International Educational Development, Inc. (39th), International Indian Treaty Council (45th), International Institute for Peace (39th), International Islamic Federation of Student Organizations (46th), International League for the Rights and Liberation of Peoples (39th), International Peace Bureau (39th), Latin American Federation of Associations of Relatives of Disappeared Detainees (39th), Pax Christi International (38th), Pax Romana (38th), World Christian Life Community (39th), World Federation of Democratic Youth (38th), World Muslim Congress (39th), World Peace Council (45th), World Society of Victimology (46th).

20. Statements in exercise of the right of reply or its equivalent were made by the representative of Bhutan (35th) and the observer for Kenya (45th).

The protection of human rights in the context of the human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)

21. At the 57th meeting, on 11 April 1997, the observer for Poland introduced draft resolution E/CN.4/1997/L.37, sponsored by Angola, Argentina, Australia, Austria, Belarus, Benin, Brazil, Bulgaria, Cameroon, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Ethiopia, Finland, France, Gabon, Greece, Honduras, Israel, Italy, Kenya, Latvia, Lithuania, Madagascar, Mozambique, Nepal, Netherlands, Nicaragua, Peru, Philippines, Poland, Portugal, Romania, Slovakia, Slovenia, South Africa, Uganda and Zimbabwe. Germany, Guatemala, Togo, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay subsequently joined the sponsors.

22. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/33.

Composition of the staff of the Centre for Human Rights : (postponed)*

23. At the .. meeting, on .. April 1997, the representative of Cuba introduced draft resolution E/CN.4/1997/L.47, sponsored by Algeria, Cape Verde, China, Colombia, Cuba, Democratic People's Republic of Korea, Dominican Republic, Egypt, Equatorial Guinea, Ethiopia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nigeria, Sri Lanka, Syrian Arab Republic, United Republic of Tanzania, Viet Nam, Yemen and Zaire.

United Nations Decade on Human Rights Education

24. At the 57th meeting, on 11 April 1997, the observer for Costa Rica introduced draft decision E/CN.4/1997/L.55, sponsored by Costa Rica, Croatia, Cyprus, Czech Republic, Romania, South Africa, the United Kingdom of Great Britain and Northern Ireland and the United Republic of Tanzania. Australia, Bangladesh, Colombia, Equatorial Guinea, Israel, Madagascar, the Republic of Korea, Slovakia, Ukraine and Uruguay subsequently joined the sponsors.

25. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/..

Regional arrangements for the promotion and protection of human rights

26. At the 57th meeting, on 11 April 1997, the representative of Belgium introduced draft resolution E/CN.4/1997/L.59, sponsored by Argentina,

* This section of chapter IX will be finalized when the draft resolution has been adopted.

Australia, Austria, Belarus, Belgium, Brazil, Canada, Croatia, Germany, Greece, Honduras, Hungary, Ireland, Italy, Japan, Lithuania, Portugal, the Republic of Korea, Romania, the Russian Federation, the former Yugoslav Republic of Macedonia and Togo. Bulgaria, Cape Verde, the Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, France, Israel, Madagascar, Malta, the Netherlands, New Zealand, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela subsequently joined the sponsors.

27. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/34.

Preparation for the fiftieth anniversary of the Universal Declaration of Human Rights

28. At the 57th meeting, on 11 April 1997, the observer for Poland introduced draft resolution E/CN.4/1997/L.60, sponsored by Australia, Belarus, Brazil, Bulgaria, Chile, Croatia, the Czech Republic, El Salvador, Ethiopia, Finland, France, Germany, Hungary, India, Israel, Italy, Mexico, Philippines, Poland, the Republic of Korea, Romania, the Russian Federation, Slovenia, South Africa, Sweden, Switzerland and Ukraine. Argentina, Bangladesh, Benin, Canada, Ecuador, Equatorial Guinea, Egypt (on behalf of the African Group), Greece, Ireland, Japan, Madagascar, Mali, Nicaragua, Norway, Portugal, Slovakia, the former Yugoslav Republic of Macedonia, Togo, Uruguay and Venezuela subsequently joined the sponsors.

29. The representative of Poland orally revised the draft resolution by adding a new operative paragraph 4, the subsequent paragraphs being renumbered accordingly.

30. A statement in connection with the draft resolution was made by the representative of the United States of America.

31. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/35.

Human rights and arbitrary deprivation of nationality

32. At the 57th meeting, on 11 April 1997, the representative of the Russian Federation introduced draft resolution E/CN.4/1997/L.62, sponsored by Mexico and the Russian Federation. Belarus, Colombia, Nicaragua, Peru and Portugal subsequently joined the sponsors.

33. A statement in connection with the draft resolution was made by the representative of Mexico.

34. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/36.

Human rights and thematic procedures

35. At the 57th meeting, on 11 April 1997, the representative of the Czech Republic introduced draft resolution E/CN.4/1997/L.64, sponsored by Argentina, Austria, Belgium, Bulgaria, Canada, Chile, the Czech Republic, Denmark, Dominican Republic, Finland, France, Germany, Hungary, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Peru, Poland, Portugal, the Republic of Korea, Romania, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Australia, Greece, Liechtenstein, the Russian Federation and Uruguay subsequently joined the sponsors.

36. Statements in explanation of vote before the vote were made by the representatives of Cuba and Pakistan.

37. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/37.

Internally displaced persons

38. At the 57th meeting, on 11 April 1997, the representative of Austria introduced draft resolution E/CN.4/1997/L.66, sponsored by Argentina, Austria, Bulgaria, Colombia, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Mozambique, the Netherlands, Norway, Peru, Portugal, the Republic of Korea, Sweden and Uruguay. Australia, Canada, Liechtenstein and the Russian Federation subsequently joined the sponsors.

39. The representative of Austria orally revised the draft resolution as follows:

(a) In the ninth preambular paragraph, the words "in emergency situations is essential" were replaced by "is essential in emergency situations where the Government of the country concerned is unable to discharge its normal responsibilities";

(b) In operative paragraph 6, the words "welcomes the preparation of" were replaced by "takes note of his preparations for".

40. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/39.

National institutions for the promotion and protection of human rights

41. At the 58th meeting, on 11 April 1997, the observer for Australia introduced draft resolution E/CN.4/1997/L.67, sponsored by Australia, Austria, Bangladesh, Cameroon, Canada, Cape Verde, Croatia, Cyprus, the Czech Republic, Denmark, Ethiopia, France, Honduras, India, Latvia, Madagascar, Mexico, Mongolia, New Zealand, the Philippines, Portugal, Romania,

the Russian Federation, Slovakia, South Africa and Tunisia. Algeria, Argentina, Colombia, El Salvador, Equatorial Guinea, Estonia, Indonesia, Israel, Italy, Norway, Senegal, Spain, Sri Lanka, Sweden, the former Yugoslav Republic of Macedonia, Togo and Venezuela subsequently joined the sponsors.

42. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

43. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/40.

Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

44. At the 58th meeting, on 11 April 1997, the observer for Jordan introduced draft resolution E/CN.4/1997/L.68/Rev.1, sponsored by Bangladesh, China, Indonesia, Iraq, Jordan, Lebanon, Mongolia, Nepal, the Philippines, the Republic of Korea, Sri Lanka and the Syrian Arab Republic. Equatorial Guinea, the Islamic Republic of Iran and Pakistan subsequently joined the sponsors.

45. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/45.

Human rights and mass exoduses (postponed)*

46. At the .. meeting, on .. April 1997, the representative of Canada introduced draft resolution E/CN.4/1997/L.69, sponsored by Australia, Canada, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Hungary,

*This section of chapter IX will be finalized when the draft resolution has been adopted.

Luxembourg, Madagascar, Nepal, Norway, Poland, the Russian Federation, Sweden and Switzerland. Equatorial Guinea, Greece, the Netherlands, New Zealand and Norway subsequently joined the sponsors.

Development of public information activities in the field of human rights,
including the World Public Information Campaign for Human Rights

47. At the 57th meeting, on 11 April 1997, the representative of Italy introduced draft resolution E/CN.4/1997/L.74, sponsored by Afghanistan, Argentina, Australia, Bulgaria, Canada, Chile, Croatia, Cyprus, Denmark, the Dominican Republic, France, Germany, Greece, Haiti, Hungary, Ireland, Italy, Madagascar, the Netherlands, Nicaragua, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia and Ukraine. Algeria, Belarus, Benin, Ecuador, Peru, Senegal and Slovenia subsequently joined the sponsors.

48. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/41.

Human rights and terrorism

49. At the 57th meeting, on 11 April 1997, the observer for Turkey introduced draft resolution E/CN.4/1997/L.74, sponsored by Algeria, Egypt, Pakistan, Peru, the Philippines, the Republic of Korea, Sri Lanka, Turkey and Uruguay. Azerbaijan, Colombia, India and the Russian Federation subsequently joined the sponsors.

50. The representative of Turkey orally revised the draft resolution by inserting, in operative paragraph 4, the word "strict" before the word "conformity", and by deleting the words "relevant provisions of" before "international law".

51. Statements in connection with the draft resolution were made by the representatives of Algeria and Pakistan.

52. Statements in explanation of vote before the vote were made by the representatives of Argentina, Canada, Chile, Mexico, the Netherlands (on behalf of the European Union), the United Kingdom of Great Britain and Northern Ireland and the United States of America.

53. The representative of the United States of America requested a vote on the draft resolution. At the request of the representative of Ireland, a roll-call vote was taken on the draft resolution, as orally revised, which was adopted by 28 votes to none, with 23 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Belarus, Benin, Bhutan, Brazil, Cape Verde, China, Colombia, Cuba, Egypt, Ethiopia, India, Indonesia, Ireland, Japan, Malaysia, Mali, Mozambique, Nepal, Pakistan, Philippines, Republic of Korea, Russian Federation, South Africa, Sri Lanka, Uganda, Uruguay.

Against: None.

Abstaining: Angola, Argentina, Austria, Bulgaria, Canada, Chile, Denmark, Dominican Republic, Ecuador, El Salvador, France, Gabon, Germany, Guinea, Italy, Madagascar, Mexico, Netherlands, Nicaragua, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Zimbabwe.

54. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/42.

Integrating the human rights of women throughout the United Nations system

55. At the 57th meeting, on 11 April 1997, the representative of Canada introduced draft resolution E/CN.4/1997/L.75, sponsored by Argentina, Australia, Austria, Bangladesh, Belarus, Benin, Bulgaria, Brazil, Cameroon, Canada, Chile, Croatia, Cyprus, the Czech Republic, the Democratic People's Republic of Korea, Denmark, El Salvador, Ethiopia, Finland, France, Germany, Greece, Ireland, Liechtenstein, Luxembourg, Madagascar, Mexico, New Zealand, Nicaragua, Norway, Papua New Guinea, the Philippines, Portugal, the Republic of Korea, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey and Zambia. The Dominican Republic, Italy, Japan, Latvia, the Netherlands, Peru, Senegal, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela subsequently joined the sponsors.

56. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/43.

The elimination of violence against women

57. At the 57th meeting, on 11 April 1997, the representative of Canada introduced draft resolution E/CN.4/1997/76, sponsored by Argentina, Austria, Australia, Bangladesh, Brazil, Bulgaria, Cameroon, Canada, Chile, Côte d'Ivoire, Croatia, the Czech Republic, Cyprus, the Democratic People's Republic of Korea, Denmark, El Salvador, Ethiopia, Finland, France, Germany,

Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Madagascar, the Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, the Philippines, Poland, Portugal, the Republic of Korea, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tunisia and Turkey. Belgium, Benin, Cape Verde, the Dominican Republic, Ecuador, France, Gabon, Haiti, Israel, Japan, Mali, Mexico, Senegal, Togo, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela and Zimbabwe subsequently joined the sponsors.

58. The draft resolution was orally revised by the representative of Canada as follows:

(a) In operative paragraph 9 (b), the word "information" was inserted before "pertaining";

(b) In operative paragraph 9 (h), the word "ensured" was replaced by the word "assured".

59. Statements in connection with the draft resolution were made by the representatives of Brazil, Canada, Cuba, India and Mexico.

60. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

61. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/44.

62. At the 64th meeting, on 15 April 1997, at the proposal of the representative of Pakistan, the Commission decided to defer consideration of the draft resolution L.86, entitled "Rationalization of the work of the special procedures system", and draft resolution L.87, entitled "Review of the special procedures system" to the fifty-fourth session of the Commission on Human Rights. The draft resolutions read as follows:

"Rationalization of the work of the special procedures system"

The Commission on Human Rights,

Guided by the purposes and principles and other relevant articles of the Charter of the United Nations and the Universal Declaration of Human Rights and the International Covenants of Human Rights,

Recalling that the Vienna Declaration and Programme of Action states that all human rights are universal, indivisible and interdependent and interrelated,

Also recalling that the Vienna Declaration and Programme of Action underlines the importance of preserving and strengthening the system of special procedures, rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming the fact that the special procedures have held periodic meetings with the aim of exchanging views, harmonizing and rationalizing their work,

Emphasizing the principles of neutrality, non-selectivity and objectivity in the work of the special rapporteurs, representatives and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities and their sensitivity to national and regional diversities and various historical, cultural, religious and legal backgrounds,

Noting the work done through the special procedures system and its contribution to the promotion and protection of human rights,

Noting also the role assigned to the special procedures in the field of human rights and the need for follow-up to their conclusions and recommendations,

Noting further the importance of all States' full cooperation with the special procedures,

1. Decides that the special rapporteurs, representatives and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, while carrying out their specific mandates, shall:

- (i) Continue to work independently, with the greatest amount of discretion and in an objective and impartial fashion;
- (ii) Continue to bear in mind that they derive their authority from the Commission on Human Rights and the Economic and Social Council;
- (iii) Continue to ensure that the information on which they base their deliberations and reports is credible and reliable;

- (iv) Seek a genuine and direct dialogue and cooperation with the concerned Government;
- (v) During their visits, observe the human rights situation and assist the host Government in problem areas, the purpose of such visits being to gain first-hand information on situations and to discuss with all concerned, including Governments and non-governmental organizations and all sectors of society, how to ensure respect for human rights, and make recommendations thereon;
- (vi) Continue to undertake such visits at the invitation of the host Government;
- (vii) Continue to ensure in an objective and impartial fashion that urgent appeals are made for humanitarian reasons on the basis of the gravity of the situation, wherever such a situation occurs;
- (viii) Refrain from giving media publicity to their findings until these have been considered and deliberated upon by the Commission;
- (ix) Continue to harmonize and rationalize their work through periodic meetings to coordinate their activities for the promotion and protection of human rights;
- (x) Organize the programme of visits of thematic procedures on the basis of comparative need for such visits and the relative urgency thereof, based on the gravity of the human rights situation.

2. Requests the High Commissioner for Human Rights to designate a focal point within the Centre for Human Rights to serve as a clearing house to rationalize the work of the special procedures system and to ensure that countries are not burdened with communications that deal with the same issue or incident;

3. Requests the Chairman of the Commission, when appointing special rapporteurs, to continue to consult closely with regional groups and ensure that the appointee is of recognized standing in the field of human rights, has an overall knowledge of political, social and legal

systems, is sensitive to different cultural, religious and ethnic particularities, and will accordingly implement his mandate independently, impartially and objectively;

4. Invites States to consider favourably requests by mandate holders to visit their country, to facilitate their meetings with persons and organizations that are relevant to the fulfilment of their mandates; to seek to undertake a genuine dialogue with the mandate holder; and to follow up on the recommendations of the mandate holder;

5. Decides to continue to seek ways and means to rationalize the functioning of the special procedures system and to review the implementation of the present resolution at its fifty-fourth session."

"Review of the special procedures system"

The Commission on Human Rights,

Guided by the purposes and principles and the relevant articles of the Charter of the United Nations and the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating the Vienna Declaration and Programme of Action which states that all human rights are universal, indivisible and interdependent and interrelated, and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Noting that the Committee on Economic, Social and Cultural Rights has highlighted the imbalance in the special rapporteur system by referring to the fact that although there are a large number of thematic and related mechanisms dealing with different aspects of civil and political rights, there is none dealing solely with the economic, social and cultural rights recognized in the International Covenant on Civil and Political Rights and in the International Covenant on Economic, Social and Cultural Rights, despite the recognized interdependence, indivisibility and interrelationship of the two sets of rights;

1. Decides to undertake a comprehensive review of the thematic and related mechanisms and the special rapporteur system at its fifty-fourth session;

2. Also decides to set up an open-ended working group and requests the Secretary-General to submit a comprehensive report to the

inter-sessional working group containing specific proposals for rationalization;

3. Further decides to include in its agenda for the fifty-fourth session an item entitled 'Review of the special procedures system';

4. Recommends the following draft decision to the Economic and Social Council for adoption:

'The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/... of ... 1997, approves the Commission's decision to set up an inter-sessional open-ended working group of the Commission on the review of the special procedures system for a period of one year.'"
